

FINDING OF NO SIGNIFICANT IMPACT

**CASPIAN TERN NESTING ISLAND CONSTRUCTION
PROJECT, FERN RIDGE LAKE**

LANE COUNTY, OREGON

The proposed action entails construction of a 1-acre island for Caspian tern nesting habitat in Fern Ridge Lake, Oregon and, in combination with social attraction measures, attraction of nesting Caspian terns from the East Sand Island (Columbia River estuary) colony to Fern Ridge Lake. The proposed island (Tern Island) would be located immediately northwest of the junction of Royal Avenue and Gibson Island Roads within Fern Ridge Lake in the Royal Amazon Management Unit. The proposed island location has an average substrate elevation of approximately 369 feet National Geodetic Vertical Datum (NGVD). Full pool occurs at elevation 373.5 feet with flood storage potential to elevation 375.1 feet. It is proposed to construct the island from imported quarry rock to elevation 376 feet. Construction would occur post-drawdown when wildlife use of the location would be minimal.

Construction and implementation of the nesting areas will benefit Caspian terns and perhaps other colonial nesting species such as double-crested cormorants and white pelicans (*Pelecanus erythrorhynchos*) that occur at Fern Ridge Lake by providing suitable nesting habitat. Attraction of Caspian terns to the nesting island will be facilitated by the employment of decoys and a sound system playing Caspian tern vocalizations recorded from an existing colony. These social attraction measures will be employed for a number of years.

The proposed action represents off-site mitigation for impacts to juvenile salmonids from the Federal Columbia River Power System. Off-site mitigation is authorized under Section 906(b)(1) of the Water Resources Development Act of 1986. Funding is derived from the Columbia River Fish Mitigation Program. This action, in concert with comparable actions at five other locations is intended to reduce the Caspian tern population in the Columbia River estuary, thereby reducing the number of juvenile salmonids consumed annually by Caspian terns.

The proposed action is in compliance with Section 404 (b)(1) of the Clean Water Act under Nationwide Permit No. 27, which authorizes the construction of small nesting islands. Section 401 Water Quality Certification for Nationwide Permit No. 27 is provided in a letter from the Oregon Department of Environmental Quality dated July 18, 2007. Cultural resource compliance was received on October 31, 2007 via e-mail.

The project is in compliance with the Endangered Species Act and Magnuson-Stevens Act. Biological Assessments were prepared for the 2005 Caspian tern FEIS that addressed listed species and their critical habitat under the jurisdiction of the USFWS and NMFS, including Essential Fish Habitat. The USFWS and NMFS each prepared biological opinions (BO) in February 2006 addressing the potential impacts to listed species under their jurisdiction. The


Terms and Conditions of the NMFS BO require monitoring of the Caspian tern colony to ensure that incidental take levels are not exceeded.

A Draft and Final Environmental Impact Statement (February 2005) addressed this and similar actions in a programmatic manner and provided for public involvement. Records of Decision were signed in November 2006 by the USFWS and Corps adopting a modified Alternative C as the preferred alternative which included the nesting island at Fern Ridge Lake as a component. A draft Environmental Assessment and associated Public Notice were issued on October 5, 2007 for a 30-day review period to allow for further public comment.

Comments were received from Seattle Audubon, Portland Audubon, Oregon Wild, Confederated Tribes of Grand Ronde, and Mr. Michael Randles, Eugene, Oregon. Responses to public comments were prepared and are attached as an enclosure to the Final EA. Commenters to the Draft EA were generally supportive of the proposed action. Most commenters sought more diverse habitat management actions at Fern Ridge Lake rather than a single focus action such as the proposed island for Caspian tern nesting habitat. Impacts to listed salmonids in the Willamette River and western pond turtle young, prey resource availability, impacts of mammalian and avian predators on Caspian terns at Fern Ridge Lake, contaminant issues, monitoring, social facilitation concerns, materials source, and fisheries habitat improvements rounded out issues brought out by the commenters.

I have determined, based upon a review of the Environmental Assessment, supporting documentation, and public comments, including our response to public comments, that the proposed action will not have a significant impact on the human environment.

Date DEC 10 2007



Thomas E. O'Donovan
Colonel, EN
Commanding